

I. Claim Rejections under 35 U.S.C. § 102

Claims 1-4, 7 and 8 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the admitted prior art of the instant application. The Examiner has repeated the previous rejections for essentially the same reasons. In response to the Applicant's arguments made in the Response filed on April 21, 2004, the Examiner alleges that the phrase "at least one respective carrier subset" includes a "single" carrier subset. Using that interpretation, the Examiner argues that the admitted prior art teaches a single carrier subset and produces parameter values (B_i , G_i) for the single carrier subset. Despite the Examiner's broad interpretation, Applicant submits that the admitted prior art fails to teach every aspect of the claims.

Specifically, the admitted prior art still does not teach deriving the constellation information for *interpolation*. The admitted prior art transfers all of the constellation information and does not transfer or utilize an interpolation function. In the admitted prior art, an interpolation function is not needed since all of the constellation information is transmitted. Thus, the admitted prior art does not derive the constellation information from interpolation of the parameter values as recited in claims 1 and 7. Accordingly, the admitted prior art fails to teach each and every aspect of applicant's claims. Therefore, the admitted prior art fails to anticipate claims 1-4, 7 and 8.

II. Claim Rejections under 35 U.S.C. § 103

Claims 5 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art of the instant application in view of section 9 of the ADSL Standard

Specification Release 2 entitled "Network and Customer Installation Interfaces-Asymmetric Digital Subscriber Line (ADSL) Metallic Interface", published by the American National Standards Institute (ANSI) under the reference ANSI T1.413-1998. Since section 9 of the ADSL Standard Specification Release 2 fails to cure the deficient teaching of the admitted prior art with respect to claims 1 and 7, Applicant submits that claims 5 and 10 are at least patentable by virtue of their dependency from claims 1 and 7.

III. Allowable Subject Matter

The Examiner has indicated that claims 6 and 9 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant requests that the Examiner hold rewriting claims 6 and 9 in abeyance until the rejection of the parent claims has been reconsidered.

IV. Conclusion

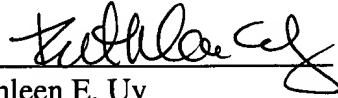
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
Appln. No.: 09/767,850

Attorney Docket No.: Q62670

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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